

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:10CR353
)	
v.)	
)	
GARY R. BENEDICT,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on the findings and recommendations of the magistrate judge (Filing No. [31](#)), in which the magistrate judge recommends that defendant's motion to suppress (Filing No. [16](#)) should be denied. The Court has reviewed the transcript of the evidence received by the magistrate judge, the statements of objection to the findings and recommendation (Filing Nos. [32](#) and [36](#)) filed by defendant and the supporting briefs of the defendant (Filing Nos. [33](#) and [37](#)), and finds that the magistrate judge's findings and recommendations should be approved and adopted by the Court. Accordingly,

IT IS ORDERED:

- 1) The findings and recommendations of the magistrate judge are approved and adopted.
- 2) The motion to suppress is denied.
- 3) Trial of this matter is scheduled for:

Tuesday, July 12, 2011, at 9 a.m.

in Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska, or as soon thereafter as may be called by the Court. This will give the parties time to pursue plea negotiations or prepare for trial, and it will accommodate the schedule of the Court. The ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between May 4, 2011, and July 12, 2011, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h) (8) (A) & (B).

DATED this 4th day of May, 2011.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court